

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>DONALD FOSTER CORLEY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>NO. 3:16-cv-02760</b>
<b>v.</b>	)	
	)	<b>JUDGE CAMPBELL</b>
<b>COMMISSIONER OF SOCIAL</b>	)	<b>MAGISTRATE JUDGE</b>
<b>SECURITY,</b>	)	<b>WHALEN</b>
	)	
<b>Defendant.</b>	)	

**ORDER**

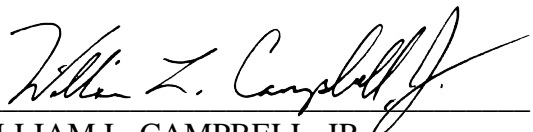
Pending before the Court is the Magistrate Judge’s Report and Recommendation on Plaintiff’s Motion for Judgment on the Record, (*see* Doc. No. 17), which was filed on May 7, 2018. (Doc. No. 25). In the Report and Recommendation, the Magistrate Judge finds the Administrative Law Judge’s (“ALJ”) conclusion Plaintiff is not disabled is not supported by substantial evidence, and recommends Plaintiff’s motion be granted and the case be remanded to the ALJ for further proceedings.

Specifically, the Magistrate Judge finds the ALJ erred by: (1) finding Plaintiff’s low back pain was a non-severe impairment; (2) failing to address the limitations brought on by Plaintiff’s back condition during the remainder of the disability determination; (3) failing to acknowledge Plaintiff’s financial limitations prevented him from obtaining additional medical treatment; and (4) affording “little weight” to Dr. Johnson’s finding that Plaintiff was limited to sedentary work (especially failing to consider Dr. Johnson’s observation Plaintiff was unable to recover from performing one squat). The Magistrate Judge recommends that upon remand, the ALJ: (1) order additional consultative testing and/or testimony by a medical expert as to Plaintiff’s degree of limitation and whether the back condition(s) qualifies as a “severe” impairment; and (2) revisit the

credibility determination consistent with the above findings. (Doc. No. 25 at 24). The Report and Recommendation advised the parties that any objections to the Magistrate Judge's findings were to be filed within fourteen days of service. (*Id.* at 24-25). No objections were filed.

The Court has carefully reviewed the Report and Recommendation and concludes that it should be adopted and approved. Accordingly, Plaintiff's motion for judgment on the administrative record is **GRANTED** and this case is **REMANDED** to the ALJ for further proceedings consistent with the Report and Recommendation.

It is so **ORDERED**.

  
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WILLIAM L. CAMPBELL, JR.  
UNITED STATES DISTRICT JUDGE